

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

NOV 13 2008

JOHN F. DOHCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

TERRY L. DOWDELL, et al.

Defendants.

CIVIL ACTION No. 3:01cv00116

ORDER

JUDGE NORMAN K. MOON

On August 11, 2008, the Receiver filed its Fourth Interim Application for Allowance of Compensation and Expenses for Accountant to the Receiver ("Fourth Interim Application") (docket no. 771). On August 22, 2008, I referred the matter, pursuant to 28 U.S.C. §§ 636(b)(1)(A), (b)(1)(B), and (b)(3), to United States Magistrate Judge B. Waugh Crigler for a report and recommended disposition. Subsequently, the Magistrate Judge issued an order (docket no. 776) requesting clarification from the Receiver, and on September 9, 2008, the Receiver filed an Amended Fourth Interim Application for Allowance of Compensation and Expenses for Accountant to the Receiver ("Amended Fourth Interim Application") (docket no. 777); additionally, the Receiver filed Receiver's Supplement to Fourth Interim Application for Allowance of Compensation and Expenses for Accountant to Receiver (docket no. 779).

The Magistrate Judge has now issued his Report and Recommendation (docket no. 790) regarding the Fourth Interim Application. Because the Fourth Interim Application has been replaced by the Amended Fourth Interim Application, the Magistrate Judge recommends dismissing the Fourth Interim Application as moot. After a review of the record, and no objection having been filed

to the Magistrate Judge's Report and Recommendation within ten days of its service upon the parties, I adopt the Report and Recommendation in its entirety. Accordingly, the Fourth Interim Application (docket no. 771) is hereby DISMISSED as MOOT.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record and to United States Magistrate Judge B. Waugh Crigler.

Entered this 13th day of November, 2008.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE